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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,155	12/11/2003	Shantilal Hirji Modha	SSK-50 (18583)	5956
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DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			DANIELS, MATTHEW J	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,155

Applicant(s)

MODHA ET AL.

Examiner

Matthew J. Daniels

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. In the reply filed 10 May 2006, Claims 1-37 were cancelled, and new Claims 38-76 were presented.

Specification/Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Double Patenting

3. The rejection set forth previously under this section over copending Application No. 10/733,172 is withdrawn in view of the 10 May 2006 terminal disclaimer.

Claim Rejections - 35 USC § 102

4. Rejections set forth previously under this section are withdrawn in view of the cancelled claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Rejections over Teoh in view of Chen

5. **Claims 38-45 and 49-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475) in view of Chen (USPN 5284607). **As to Claim 38**, Teoh teaches a method for forming an elastomeric glove, said method comprising: dipping a hand-shaped former into at least one bath containing an elastomeric material to form a substrate body (Page 3, lines 6-17 and page 6, line 1), said substrate body having an inner surface and an outer surface that define a hand-shaped cavity (inherent by use of glove former), said inner surface being positioned adjacent to said hand-shaped former (inherent that the former is coated); applying a hydrogel coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said hand-shaped former (Page 6, lines 8-25), wherein said hydrogel coating has a thickness of 2-10 microns (Page 9, paragraph bridging pages 9 and 10) and thereafter, stripping the glove from said hand-shaped former without the use of an antiblocking powder (Paragraph bridging pages 10 and 11), wherein the glove is inverted so that said outer surface of said substrate body applied with said hydrogel coating is configured to face a user's hand when inserted into said hand-shaped cavity (Page 3, lines 24-25). (Page 8, lines 14-22).

Teoh appears to be silent to applying the hydrogel coating and the lubricant coating while the inner surface of the substrate body (of the elastomeric glove) remains adjacent the hand-shaped former. However, this aspect would have been prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8). **As to Claim 39**, Teoh does not specifically teach that the substrate body includes an emulsion-based elastomeric material. However, latexes are inherently or obviously emulsion-based materials. In the alternative that latex can be applied in a method that does not require an emulsion, applying latex as an emulsion would have also been prima facie obvious. **As to Claims 40-41**, Teoh teaches natural rubber latex (Page 5, lines 26-27). **As to Claim 42**, Teoh teaches heat bonding (page 6, lines 16-24) and curing (page 8, line 21-24). Although silent to crosslinking or the polymer forming a substantially water-insoluble hydrogel network, these aspects are inherent or obvious over the teaching of curing and that the glove is washed in water after application of the hydrogel (paragraph bridging pages 8 and 9), but the hydrogel is not removed. **As to Claim 43-45**, Teoh discloses the same monomers as claimed in the instant application (page 8, lines 16-21, see hydroxyethyl methacrylate), and therefore the monomer having the characteristics of being water-soluble and hydrophilic would have been inherent or obvious. **As to Claims 49-52**, Teoh teaches a silicone lubricant (page 10, paragraph bridging pages 10 and 11) of 0.1 to 10 wt.% silicone (Page 9, lines 5-14) and a surfactant (Page 6, beginning at line 8). However, Teoh appears to be silent to a silicone emulsion. However,

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this aspect would have been prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8). **As to Claims 53 and 54**, Teoh teaches that it is conventional to chlorinate gloves (Page 5, lines 6-16), and performing these process steps disclosed by Teoh in a different order (namely the order of removing and chlorinating), without more, would not distinguish the process from that of Teoh.

6. **Claims 46-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Holguin (US Patent Application Publication 2003/0100694). Teoh and Chen teach the subject matter of Claim 38 above under 35 USC 103(a). **As to Claims 46 and 48**, Teoh appears to be silent to an active agent that is a drug, skin-conditioner, or a botanical agent capable of imparting a benefit to the user. However, Holguin teaches at least a drug (Par. [0102]). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Holguin into that of Teoh in order to provide a dual function as a carrier of a pharmacologically active agent and protective skin barrier. As to Claim 48, the Examiner asserts that hydrogels are inherently swelled by water, and thus it appears to be an inherent or obvious aspect of Holguin's method that release of active agents upon contact with an aqueous environment would have occurred. Additionally, the Examiner submits that many of the drugs listed or described in Holguin's

Paragraph [0116] would have inherently been releasable when in contact with the skin, an aqueous environment.

7. **Claims 55-58 and 60-64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475) in view of Chen (USPN 5284607). **As to Claim 55**, Teoh teaches a method for forming an elastomeric article, said method comprising: dipping a former (Page 3, lines 6-17) into at least one bath containing an elastomeric material to form a substrate body, wherein said elastomeric material of said substrate body includes natural rubber latex (Page 5, lines 26-27), and combinations thereof, said substrate body having an inner surface and an outer surface that define a cavity (inherent in that a glove is formed), said inner surface being positioned adjacent to said former (Page 6, lines 8-25); applying a hydrogel coating and a lubricant coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said former (Page 6); and thereafter, stripping the elastomeric article from said former without the use of an antiblocking powder (Paragraph bridging pages 10 and 11), wherein the elastomeric article is inverted so that said outer surface of said substrate body applied with said hydrogel coating and said lubricant coating is configured to face a user's skin when inserted into said cavity (Page 3, lines 24-25, the inverting is inherent in that a layer is coated on the outside of a former, page 6, but faces the wearer, page 3, lines 24-25).

Teoh appears to be silent to applying the hydrogel coating and the lubricant coating while the inner surface of the substrate body (of the elastomeric glove) remains adjacent the hand-shaped former. However, this aspect would have been prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima

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facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8). **As to Claim 56**, Teoh teaches heat bonding (page 6, lines 16-24) and curing (page 8, line 21-24). Although silent to crosslinking or the polymer forming a substantially water-insoluble hydrogel network, this aspect is inherent in Teoh's process, and support is found in the teaching of curing and that the glove is washed in water after application of the hydrogel (paragraph bridging pages 8 and 9). **As to Claims 57 and 58**, Teoh discloses the same monomers as claimed in the instant application (page 8, lines 16-21, see hydroxyethyl methacrylate), and therefore the monomer having the characteristics of being water-soluble and hydrophilic would have been inherent. **As to Claim 60**, Teoh teaches applying a lubricant coating (page 6, lines 18-24) comprising at least a surfactant. **As to Claim 61**, Teoh teaches that it is conventional to chlorinate gloves (Page 5, lines 6-16), and performing these process steps disclosed by Teoh in a different order (namely the order of removing and chlorinating), without more, would not distinguish the process from that of Teoh. **As to Claims 62-64**, Teoh teaches a silicone lubricant (page 10, paragraph bridging pages 10 and 11) of 0.1 to 10 wt.% silicone (Page 9, lines 5-14) and a surfactant (Page 6, beginning at line 8). However, Teoh appears to be silent to a silicone emulsion, applied prior to stripping the glove. However, these aspects would have been prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because

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maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8).

8. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Holguin (US Patent Application Publication 2003/0100694). Teoh and Chen teach the subject matter of Claim 55 above under 35 USC 103(a). **As to Claim 59**, Teoh appears to be silent to an active agent that is a drug, skin-conditioner, or a botanical agent capable of imparting a benefit to the user. However, Holguin teaches at least a drug (Par. [0102]). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Holguin into that of Teoh in order to provide a dual function as a carrier of a pharmacologically active agent and protective skin barrier.

9. **Claims 65-68 and 70-76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475) in view of Chen (USPN 5284607). **As to Claim 65**, Teoh teaches a method for forming an elastomeric glove, said method comprising: dipping a hand-shaped former into at least one bath containing an elastomeric material to form a substrate body (Page 3, lines 6-17), said substrate body having an inner surface and an outer surface that define a hand-shaped cavity (inherent in that a glove is formed), said inner surface being positioned adjacent to said hand-shaped former; applying a hydrogel coating and a lubricant coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said hand-shaped former (Page 6), wherein said hydrogel coating is formed from a monomer

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selected from the group consisting of hydroxyethyl acrylates, hydroxyethyl methacrylates, hydroxypropyl acrylates, derivatives thereof, and combinations thereof, (Page 8, middle) and thereafter, stripping the glove from said hand-shaped former without the use of an antiblocking powder (none is disclosed), wherein the glove is inverted so that said outer surface of said substrate body applied with said hydrogel coating is configured to face a user's hand when inserted into said hand-shaped cavity (Page 3, lines 24-25, the inverting is inherent in that a layer is coated on the outside of a former, page 6, but faces the wearer, page 3, lines 24-25).

Teoh appears to be silent to applying the hydrogel coating and the lubricant coating while the inner surface of the substrate body (of the elastomeric glove) remains adjacent the hand-shaped former. However, this aspect would have been prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8). **As to Claims 66-68**, Teoh teaches at least natural rubber latex (Page 5, lines 26-27), which is implicitly emulsion-based. In the alternative that latex can be applied in a method that does not require an emulsion, applying latex as an emulsion is common in the art and would have been prima facie obvious. **As to Claim 70**, Teoh teaches 2-10 microns (Page 9, paragraph bridging pages 9 and 10). **As to Claims 71 and 74-76**, Teoh teaches a silicone lubricant (page 10, paragraph bridging pages 10 and 11) of 0.1 to 10 wt.% silicone (Page 9, lines 5-14) and a surfactant (Page 6, beginning at line 8). However, Teoh appears to be silent to a silicone emulsion, applied prior to stripping the glove. However, these aspects would have been

prima facie obvious over Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen into that of Teoh because maintaining the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (4:6-8). **As to Claims 72 and 73**, Teoh teaches that it is conventional to chlorinate gloves (Page 5, lines 6-16), and performing these process steps disclosed by Teoh in a different order (namely the order of removing and chlorinating), without more, would not distinguish the process from that of Teoh.

10. **Claim 69** is rejected under 35 U.S.C. 103(a) as being unpatentable over Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Holguin (US Patent Application Publication 2003/0100694). Teoh and Chen teach the subject matter of Claim 65 above under 35 USC 103(a). **As to Claim 69**, Teoh appears to be silent to an active agent that is a drug, skin-conditioner, or a botanical agent capable of imparting a benefit to the user. However, Holguin teaches at least a drug (Par. [0102]). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Holguin into that of Teoh in order to provide a dual function as a carrier of a pharmacologically active agent and protective skin barrier.

Rejections over Shlenker in view of Teoh and Chen

11. **Claims 38 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475) and Chen (USPN 5284607). **As to**

Claim 38, Shlenker teaches a method for forming an elastomeric glove comprising dipping a former into a bath containing an elastomeric material to form a substrate body (7:60-65) and applying a hydrogel and a lubricant (8:7-8).

Shlenker appears to be silent to the other claimed limitations, namely the “inner” surface being positioned adjacent to the hand-shaped former, the order of steps, and stripping to invert the glove.

However, these aspects would have been prima facie obvious for the following reasons:

- a) Teoh teaches a method for forming an elastomeric glove, said method comprising: dipping a hand-shaped former into at least one bath containing an elastomeric material to form a substrate body (Page 3, lines 6-17 and page 6, line 1), said substrate body having an inner surface and an outer surface that define a hand-shaped cavity (inherent by use of glove former), said inner surface being positioned adjacent to said hand-shaped former (inherent that the former is coated); applying a hydrogel coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said hand-shaped former (Page 6, lines 8-25), wherein said hydrogel coating has a thickness of 2-10 microns (Page 9, paragraph bridging pages 9 and 10) and thereafter, stripping the glove from said hand-shaped former without the use of an antiblocking powder (Paragraph bridging pages 10 and 11), wherein the glove is inverted so that said outer surface of said substrate body applied with said hydrogel coating is configured to face a user's hand when inserted into said hand-shaped cavity (Page 3, lines 24-25). (Page 8, lines 14-22).
- b) Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Teoh and Chen into that of Shlenker because doing so would a) prevent the development of tackiness over a long period of time and prevent internal slip (Teoh, page 3), and b) maintain the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (Chen, 4:6-8). **As to Claim 53**, Shlenker clearly teaches chlorination (8:13).

12. **Claim 54** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Chen (USPN 5742943). Shlenker, Teoh, and Chen teach the subject matter of Claim 53 above under 35 USC 103(a). **As to Claim 54**, Shlenker appears to be silent to the claimed order of steps. However, Chen ('943) clearly teaches the claimed order of steps (8:29-45). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen ('943) into that of Shlenker because Shlenker clearly suggests chlorination (8:13), and because doing so while still on the former would provide a easy and uniform method for immersing the glove into the chlorinating bath.

13. **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475) and Chen (USPN 5284607). **As to Claim 55**, Shlenker teaches a method for forming an elastomeric glove comprising dipping a former into a bath containing latex rubber material (7:1) to form a substrate body (7:60-65) and applying a hydrogel and a lubricant (8:7-8).

Shlenker appears to be silent to the other claimed limitations, namely the “inner” surface being positioned adjacent to the hand-shaped former, the order of steps, and stripping to invert the glove.

However, these aspects would have been prima facie obvious for the following reasons:

- a) Teoh teaches a method for forming an elastomeric article, said method comprising: dipping a former (Page 3, lines 6-17) into at least one bath containing an elastomeric material to form a substrate body, wherein said elastomeric material of said substrate body includes natural rubber latex (Page 5, lines 26-27), and combinations thereof, said substrate body having an inner surface and an outer surface that define a cavity (inherent in that a glove is formed), said inner surface being positioned adjacent to said former (Page 6, lines 8-25); applying a hydrogel coating and a lubricant coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said former (Page 6); and thereafter, stripping the elastomeric article from said former without the use of an antiblocking powder (Paragraph bridging pages 10 and 11), wherein the elastomeric article is inverted so that said outer surface of said substrate body applied with said hydrogel coating and said lubricant coating is configured to face a user's skin when inserted into said cavity (Page 3, lines 24-25, the inverting is inherent in that a layer is coated on the outside of a former, page 6, but faces the wearer, page 3, lines 24-25).
- b) Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Teoh and Chen into that of Shlenker because doing so would a) prevent the development of tackiness over a long period of time and prevent internal slip (Teoh, page 3), and b) maintain the form on the former would provide an easy and uniform

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method for coating a lubricant onto the glove, and would also provide improved donnability (Chen, 4:6-8).

14. **Claim 61** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Chen (USPN 5742943). Shlenker, Teoh, and Chen teach the subject matter of Claim 55 above under 35 USC 103(a). **As to Claim 61**, Shlenker teaches chlorinating (8:13), but appears to be silent to the claimed order of steps. However, Chen ('943) clearly teaches the claimed order of steps (8:29-45). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen ('943) into that of Shlenker because Shlenker clearly suggests chlorination (8:13), and because doing so while still on the former would provide a easy and uniform method for immersing the glove into the chlorinating bath.

15. **Claims 65 and 72** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475) and Chen (USPN 5284607). **As to Claim 65**, Shlenker teaches a method for forming an elastomeric glove comprising dipping a former into a bath containing an elastomeric bath (7:1) to form a substrate body (7:60-65) and applying a hydrogel and a lubricant (8:7-8).

Shlenker appears to be silent to the other claimed limitations, namely the "inner" surface being positioned adjacent to the hand-shaped former, the order of steps, and stripping to invert the glove.

However, these aspects would have been prima facie obvious for the following reasons:

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a) Teoh teaches a method for forming an elastomeric glove, said method comprising: dipping a hand-shaped former into at least one bath containing an elastomeric material to form a substrate body (Page 3, lines 6-17), said substrate body having an inner surface and an outer surface that define a hand-shaped cavity (inherent in that a glove is formed), said inner surface being positioned adjacent to said hand-shaped former; applying a hydrogel coating and a lubricant coating to said outer surface of said substrate body while said inner surface of said substrate body remains adjacent to said hand-shaped former (Page 6), wherein said hydrogel coating is formed from a monomer selected from the group consisting of hydroxyethyl acrylates, hydroxyethyl methacrylates, hydroxypropyl acrylates, derivatives thereof, and combinations thereof, (Page 8, middle) and thereafter, stripping the glove from said hand-shaped former without the use of an antiblocking powder (none is disclosed), wherein the glove is inverted so that said outer surface of said substrate body applied with said hydrogel coating is configured to face a user's hand when inserted into said hand-shaped cavity (Page 3, lines 24-25, the inverting is inherent in that a layer is coated on the outside of a former, page 6, but faces the wearer, page 3, lines 24-25).

b) Chen who teaches a silicone emulsion (Fig. 2) applied prior to stripping (Fig. 2).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Teoh and Chen into that of Shlenker because doing so would a) prevent the development of tackiness over a long period of time and prevent internal slip (Teoh, page 3), and b) maintain the form on the former would provide an easy and uniform method for coating a lubricant onto the glove, and would also provide improved donnability (Chen, 4:6-8). **As to Claim 72**, Shlenker clearly teaches chlorinating (8:13).

16. **Claim 73** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlenker (USPN 5965276) in view of Teoh (WO 02/32475), Chen (USPN 5284607), and further in view of Chen (USPN 5742943). Shlenker, Teoh, and Chen teach the subject matter of Claim 65 above under 35 USC 103(a). As to **Claim 73**, Shlenker appears to be silent to the claimed order of steps. However, Chen ('943) clearly teaches the claimed order of steps (8:29-45). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chen ('943) into that of Shlenker because Shlenker clearly suggests chlorination (8:13), and because doing so while still on the former would provide a easy and uniform method for immersing the glove into the chlorinating bath.

Response to Arguments

17. Applicant's arguments filed 10 May 2006 have been fully considered but they are not persuasive or are moot in view of the new grounds of rejection presented in this action. The arguments appear to be on the grounds that Teoh and Chen ('687) are not combinable because of their individual teaching away from the subject matter of the other.

18. These arguments are not persuasive because the portions which Applicant's remarks assert to teach away from one another were not relied upon in the rejection, and were combined for different teachings. The Examiner maintains his positions that the combination of Teoh and Chen ('687) for the portions relied upon in the rejection is valid. Applicant's remarks do not appear to comment on the step of chlorinating in the instant claims. However, in further

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consideration of the claim limitations drawn to chlorinating, the Examiner presents new rejections of independent claims 38, 55, and 65 and dependent claims 53, 54, 61, 72, and 73 based on the reference to Shlenker, and this action is made **non-final**. Teoh clearly teaches that the step of chlorinating is known, and in the Examiner's interpretation, the reference is believed to be anticipatory as to this limitation. However, if it is ultimately determined that Teoh is deficient with regards to dependent claims 53, 54, 61, 72, and 73, Shlenker clearly suggests the claimed invention of these dependent claims, namely a combination of the hydrogel and chlorination (8:1-24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 7/19/06

MJD

cf
CHRISTINA JOHNSON
PRIMARY EXAMINER
7/21/06